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October 25, 2022

Via ECF

Honorable Taryn A. Merkl
United States Magistrate Judge for the Eastern
District of New York
225 Cadman Plaza E Rm 317N
Brooklyn, NY 11201

Re: *Wilmington Trust, N.A. v. Segal* Civil Action No. 1:21-cv-01540
Letter pursuant to Court's October 12, 2022 Order

Dear Judge Merkl:

On behalf of Wilmington Trust, N.A. ("Plaintiff")¹, we write this letter pursuant to the Court's Order on October 12, 2022 ("October 12 Order"), in which the Court encouraged the parties to confer and agree to a stipulation and partial judgment as to certain core, undisputed facts underlying this lawsuit.

Consistent with the Order, the undersigned has attempted to work in good faith with Defendant Herman Segal. For example, immediately after the October 12, 2022, conference, I called Mr. Segal to discuss several of the uncontested facts that are material to Count III for declaratory relief, and I advised him that I would be emailing him a document that would list those facts for his review and comments. Consistent with my statements to Mr. Segal, the next day, October 13, 2022, I sent Mr. Segal an email with the document attached as Exhibit A. Since then, and even though I have attempted to follow up with Mr. Segal a number of times, Mr. Segal has ignored my communications or failed to communicate with me. *See, e.g.,* Exhibit B.²

In light of Mr. Segal's actions, undersigned counsel will be prepared to participate during tomorrow's conference with the Court. Per the October 12th Order, the Court will be setting the

¹ At all times, Wilmington Trust, N.A. acts solely as the Securities Intermediary for the benefit of Geronta Funding, a Delaware statutory Trust, and does not act in its individual capacity. *See, e.g.,* N.Y. U.C.C. § 8-102(a)(14)(ii).

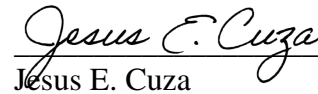
² Unfortunately, Mr. Segal has instead engaged in the same type of conduct that led Plaintiff to sue him in this litigation. Specifically, Mr. Segal has (through a third party unrelated to this litigation) requested over a million dollars for his assistance.

“discovery schedule and deadline for the initiation of summary judgment motion practice.” *See* Exhibit C (October 12, 2022 Minute Entry and Order).

Thank you.

Respectfully submitted,

HOLLAND AND KNIGHT LLP



Jesus E. Cuza

copy to: All attorneys of record via NYSCEF
 Non-Appearing Defendant Herman Segal, by mail